

AGN. NO.

MOTION BY SUPERVISOR MARK RIDLEY-THOMAS

June 6, 2012

**Promoting Public Health, Public Safety and Environmental Justice in Willowbrook**

Since 2007, the Los Angeles Regional Water Quality Control Board (the Water Board) has led an investigation to fully confirm the extent of contamination of volatile organic compounds found in the soil, soil vapor and ground water in the unincorporated community of Willowbrook under the Magic Johnson Park (the park), Ujima Village, as well as a parcel of adjacent land where a local day care center, Honey's Little Angels (the day care center), is in operation. The property was previously known as the Athens Tank Farm, and was operated by General Petroleum.

Under state law, the Water Board has the responsibility to identify a responsible party for the contamination and oversee the responsible party as it determines the extent of the contamination and remediates the site.

ExxonMobil, which purchased the property from General Petroleum, has been identified as a responsible party and along with its consultant, Kleinfelder, has led the investigation and initial clean-up efforts. As the current property owners, the Water Board

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also named Los Angeles County (County) and the Community Development Commission as responsible parties, even though the County and its affiliated agencies did not contribute to the property's contamination.

Six years after the Water Board's initial order was released, ExxonMobil's consultants claim to have fully determined the extent of the contamination found underneath the park, Ujima Village and the day care center. Pilot remediation strategies are underway. ExxonMobil's consultants are now determining the extent of contamination into the surrounding communities.

The Water Board requires that the responsible parties complete ongoing Human Health Risk Assessments (assessments) in order to evaluate whether the contamination poses any risk to human health. Multiple assessments have been completed over the past few years. These assessments examine the amount of contamination and exposure pathways, and extrapolate health risk. All of the assessments conducted thus far have determined that there is not a present or future threat to human health as a result of the existing contamination.

Area residents have expressed concerns regarding the reliability of the consultant's data collection and health assessment findings. Pursuant to state law, the consultants were hired by ExxonMobil -- the responsible contaminating party -- and the Water Board is reviewing and overseeing the consultants' work. However, the process would appear less susceptible to bias if the lead State agency directly contracted with an independent, qualified consultant to complete the work.

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The State entities leading the investigation have the responsibility to promptly and clearly convey any potential health risks to concerned residents. While the Water Board has expertise in the technical oversight of investigations where ground water is threatened, it is the Department of Toxic Substances Control (DTSC) that is qualified to respond to the health-related concerns raised by the area residents. DTSC's expertise includes the assessment and articulation of community health risks associated with contaminated sites. It would be beneficial for DTSC to assume a more formal and visible role, specifically in regards to leading future community meetings related to this site.

Another community concern related to the health assessments is that data does not exist to confirm previous exposure levels. The Water Board has therefore been unable to inform concerned stakeholders about potential health risks from past exposure. The Los Angeles County Department of Public Health has the ability to analyze health data for the surrounding community, but such analyses usually do not reveal the causes of health conditions, especially when data is lacking. Nonetheless, the Department of Public Health should conduct a health assessment to investigate whether contamination found around the Former Athens Tank Farm has resulted in elevated incidence of disease within the surrounding area.

In addition, although the assessments indicate there is no risk for those who live or work at the park, Ujima Village or the day care center, caution dictates that Honey's Little Angels should be immediately relocated.

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An alternative temporary location for the day care center has been identified at the County's leased building at 8300 South Vermont Avenue in Athens. The building is currently occupied by the Department of Public Social Services, the Department of Children and Family Services, the Department of Child Support Services, and the Department of Mental Health, and also contains a vacant fully-licensed child care facility that was originally intended for use by employees' children. However, the space was never utilized for child care services. The site is conducive to the current operations of Honey's Little Angels. In addition, by temporarily relocating the day care center to this building, County employees' children will also be able to take advantage of the day care services.

**I THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:**

1. Amend the County's Legislative Agenda in order to sponsor and support legislation that would require that the California Environmental Protection Agency and its affiliated agencies including the Department of Toxic Substances Control and the Regional Water Boards (DTSC, Water Board) contract directly with independent consultants to complete contamination investigations;
2. Send a letter to Governor Brown encouraging him to designate the Department of Toxic Substances Control as the lead agency for future community meetings related to the former Athens Tank Farm site;
3. Direct the Director of the Department of Public Health to report back to the Board of Supervisors within 30 days regarding the parameters of a health assessment to

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determine, if possible, whether contamination found around the former Athens Tank Farm may have resulted in elevated incidence of disease within the surrounding area;

4. As authorized by Government Code 26227, find that: (a) the vacant licensed day care facility at the County-leased premises at 8300 South Vermont Avenue is not needed for County purposes; and (b) the child day care services provided by Honey's Little Angels Child Development and Learning Center, Inc. to the local community serve a public purpose which benefit the County and its residents;
5. Find that the issuance of an agreement with Honey's Little Angels Child Development and Learning Center, Inc. for the operation of a day care facility at 8300 South Vermont Avenue is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15301 (Existing Facilities) and Class 1 of the County's Environmental Document Reporting Procedures and Guidelines;
6. Direct the Chief Executive Officer (CEO) or his designee to negotiate and execute an agreement for the operation of a day care facility at 8300 South Vermont Avenue on a gratis basis with Honey's Little Angels Child Development and Learning Center, Inc., a nonprofit corporation, for a term beginning on July 1, 2012, that does not exceed thirty-six months.
7. Direct the CEO to identify funding to pay for relocation expenses, the sublease and operating costs during the temporary relocation period; and

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8. Authorize the CEO or his designee to negotiate and execute any other documentation that may be required in order to effectuate the temporary relocation of the day care center.

**I FURTHER MOVE THAT THE BOARD OF SUPERVISORS, ACTING AS THE BOARD OF COMMISSIONERS FOR THE COMMUNITY DEVELOPMENT COMMISSION:**

9. Authorize the Executive Director of the Community Development Commission to appropriate, up to \$50,000 of County General Funds into the Commission's Fiscal Year 2011-2012 approved budget, for the relocation expenses of Honey's Little Angels Child Development and Learning Center, Inc.
10. Authorize the Executive Director of the Community Development Commission, or his designee, to take all actions necessary to receive the funds, including executing a Funding Agreement between the County of Los Angeles and the Commission, to extend, renew, or otherwise amend the Funding Agreement, to be effective following approval as to form by County Counsel and execution by all parties.

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